

Federal Acquisition Regulation

5.705

(1) If submitting notices electronically via ftp or email, enter the word “Recovery” as the first word in the title field.

(2) If using the GPE directly, select the “yes” radio button for the “Is this a Recovery and Reinvestment Act action” field on the “Notice Details” form (Step 2) located below the “NAICS Code” field. In addition, enter the word “Recovery” as the first word in the title field.

(c) In preparing the description required by 5.207(a)(16), use clear and concise language to describe the planned procurement. Use descriptions of the goods and services (including construction), that can be understood by the general public. Avoid the use of acronyms or terminology that is not widely understood by the general public.

[74 FR 14638, Mar. 31, 2009, as amended at 75 FR 34272, June 16, 2010]

5.705 Publicizing postaward.

Follow usual publication procedures at 5.301, except that the following supersede the exceptions at 5.301(b)(2) through (7):

(a)(1) Publicize the award notice for any action exceeding \$500,000, funded in whole or in part by the Recovery Act, including—

- (i) Contracts;
- (ii) Modifications to existing contracts;
- (iii) Orders which are issued under task or delivery order contracts; and
- (iv) Modifications to orders under task or delivery order contracts.

(2) Contracting officers shall identify contract actions, funded in whole or in part by the Recovery Act, by using the following instructions which are also available in the Recovery FAQs under “Buyers/Engineers” at the Governmentwide Point of Entry (GPE) (<https://www.fedbizopps.gov>):

(i) If submitting notices electronically via ftp or email, enter the word “Recovery” as the first word in the title field.

(ii) If using the GPE directly, select the “yes” radio button for the “Is this a Recovery and Reinvestment Act action” field on the “Notice Details” form (Step 2) located below the “NAICS Code” field. In addition, enter

the word “Recovery” as the first word in the title field.

(3) In preparing the description required by 5.207(a)(16), use clear and concise language to describe the planned procurement. Use descriptions of the goods and services (including construction), that can be understood by the general public. Avoid the use of acronyms or terminology that is not widely understood by the general public.

(b) Regardless of dollar value, if the contract action, including all modifications and orders under task or delivery order contracts, is not both fixed-price and competitively awarded, publicize the award notice and include in the description the rationale for using other than a fixed-priced and/or competitive approach. Include in the description a statement specifically noting if the contract action was not awarded competitively, or was not fixed-price, or was neither competitive nor fixed-price. These notices and the rationale will be available to the public at the GPE, so do not include any proprietary information or information that would compromise national security. The following table provides examples for when a rationale is required.

POSTING OF RATIONALE—EXAMPLES

Description of contract action	Rationale required
(1) A contract is competitively awarded and is fixed-price.	Not Required.
(2) A contract is awarded that is not fixed-price..	Required
(3) A contract is awarded without competition..	Required
(4) An order is issued under a new or existing single award IDIQ contract.	Required if order is made under a contract described in (2) or (3).
(5) An order is issued under a new or existing multiple award IDIQ contract.	Required if one or both of the following conditions exist: (i) The order is not fixed-price. (ii) The order is awarded pursuant to an exception to the competition requirements applicable to the underlying vehicle (e.g., award is made pursuant to an exception to the fair opportunity process).
(6) A modification is issued ...	Required if modification is made— (i) To a contract described in (2) or (3) above; or (ii) To an order requiring posting as described in (4) or (5) above.

Pt. 6

48 CFR Ch. 1 (10–1–11 Edition)

**POSTING OF RATIONALE—EXAMPLES—
Continued**

Description of contract action	Rationale required
(7) A contract or order is awarded pursuant to a small business contracting authority (e.g., SBA's section 8(a) program).	Required if one or both of the following conditions exist: (i) The contract or order is not fixed-price; (ii) The contract or order was not awarded using competition (e.g., a non-competitive 8(a) award).

(c) Contracting officers shall use the instructions available in the Recovery FAQs under “Buyers/Engineers” at the GPE (<https://www.fedbizopps.gov>) to identify actions funded in whole or in part by the Recovery Act.

[74 FR 14638, March 31, 2009, as amended at 74 FR 22810, May 14, 2009; 75 FR 34273, June 16, 2010; 76 FR 14552, Mar. 16, 2011]

**PART 6—COMPETITION
REQUIREMENTS**

Sec.

- 6.000 Scope of part.
- 6.001 Applicability.
- 6.002 Limitations.
- 6.003 [Reserved]

Subpart 6.1—Full and Open Competition

- 6.100 Scope of subpart.
- 6.101 Policy.
- 6.102 Use of competitive procedures.

**Subpart 6.2—Full and Open Competition
After Exclusion of Sources**

- 6.200 Scope of subpart.
- 6.201 Policy.
- 6.202 Establishing or maintaining alternative sources.
- 6.203 Set-asides for small business concerns.
- 6.204 Section 8(a) competition.
- 6.205 Set-asides for HUBZone small business concerns.
- 6.206 Set-asides for service-disabled veteran-owned small business concerns.
- 6.207 Set-asides for economically disadvantaged women-owned small business (EDWOSB) concerns or women-owned small business (WOSB) concerns eligible under the WOSB Program.
- 6.208 Set-asides for local firms during a major disaster or emergency.

**Subpart 6.3—Other Than Full and Open
Competition**

- 6.300 Scope of subpart.
- 6.301 Policy.

- 6.302 Circumstances permitting other than full and open competition.
- 6.302-1 Only one responsible source and no other supplies or services will satisfy agency requirements.
- 6.302-2 Unusual and compelling urgency.
- 6.302-3 Industrial mobilization; engineering, developmental, or research capability; or expert services.
- 6.302-4 International agreement.
- 6.302-5 Authorized or required by statute.
- 6.302-6 National security.
- 6.302-7 Public interest.
- 6.303 Justifications.
- 6.303-1 Requirements.
- 6.303-2 Content.
- 6.304 Approval of the justification.
- 6.305 Availability of the justification.

**Subpart 6.4—Sealed Bidding and
Competitive Proposals**

- 6.401 Sealed bidding and competitive proposals.

Subpart 6.5—Competition Advocates

- 6.501 Requirement.
- 6.502 Duties and responsibilities.

AUTHORITY: 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

SOURCE: 50 FR 1729, Jan. 11, 1985; 50 FR 52429, Dec. 23, 1985, unless otherwise noted.

6.000 Scope of part.

This part prescribes policies and procedures to promote full and open competition in the acquisition process and to provide for full and open competition, full and open competition after exclusion of sources, other than full and open competition, and competition advocates. This part does not deal with the results of competition (e.g., adequate price competition), that are addressed in other parts (e.g., part 15).

[66 FR 2127, Jan. 10, 2001]

6.001 Applicability.

This part applies to all acquisitions except—

(a) Contracts awarded using the simplified acquisition procedures of part 13 (but see 13.501 for requirements pertaining to sole source acquisition of commercial items under subpart 13.5).

(b) Contracts awarded using contracting procedures (other than those addressed in this part) that are expressly authorized by statute;